

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MARY LYNN ADCOCK,

Plaintiff,

v.

Case No. _____
JURY DEMANDED

THE KROGER COMPANY

Defendant.

COMPLAINT

Plaintiff Mary Lynn Adcock brings this cause of action against the Defendant for compensatory and punitive damages arising from race and age discrimination and retaliation and would show this Honorable Court and a jury of his peers the following:

Parties, Jurisdiction, and Venue

1. Plaintiff Mary Lynn Adcock ("Adcock") is a resident of Tipton County, Tennessee, and resides at 224 Jim Mckenzie Road, Brighton, Tennessee 38019.
2. Defendant The Kroger Company ("Kroger") is a grocery store company doing business at 951 Highway 51 North, Covington, Tennessee 38019. Kroger principal place of business 1014 Vine Street, Cincinnati, Ohio, 45202. Kroger can be served with process to Corporation Service Company, 2908 Poston Avenue, Nashville, Tennessee 37203-1312. Kroger employs the requisite number of employees for coverage under Title VII of the Civil Rights Act. At all times relevant hereto, Kroger was the employer of the Plaintiff.
3. Jurisdiction is proper under 28 U.S.C. § 1331.

4. All conditions precedent to jurisdiction under 42 U.S.C. §2000e-5(f)(3) have occurred or been complied with, to wit: Adcock submitted a Charge of Discrimination to the Equal Employment Opportunity Commission (hereinafter “EEOC”), a “Right to Sue” letter was received by the Plaintiff from the EEOC on the charge, and this action was filed within 90 days of receiving his “Right to Sue” letter. A copy of the “Right to Sue” letter is attached hereto as Exhibit A.

8. The acts upon which this lawsuit are based arose in Covington, Tennessee making venue proper in this Court

9. Therefore, based upon the above and supported by the following facts, this Court has jurisdiction over the parties, and subject matter and venue, pursuant to 28 U.S.C. 1391(b), are proper in this court.

Facts

1. Ms. Adcock is a Caucasian female.

2. Ms. Adcock has approximately thirty years in the grocery industry.

3. Ms. Adcock has been an employee with Kroger for over two years.

4. Ms. Adcock works as a Deli Clerk, twenty hours per week, making \$7.65 per hour.

5. Ms. Adcock believes that other similarly situated male employees are receiving experience pay and a higher wage than Ms. Adcock for similar work.

6. Furthermore, it seems that similar employees of lesser skill and credentials within the same department and in other areas, especially male employees, at Kroger are making higher salaries than ms. Adcock.

6. Ms. Adcock is entitled to Kroger’s “experience pay,” which has been inappropriately denied to her even though she has made numerous requests.

7. Ms. Adcock brought this equal pay and “experience pay” issue up with Kroger management, and her request was summarily denied.

8. Ms. Adcock has not received a raise or any other additional compensation since making this protected reporting.

Causes of Action

9. The allegations set forth in paragraphs 1 through 8 are incorporated herein.

10. Defendant discriminated against Ms. Adcock by paying similarly situated male employees a higher wage in violation of the Equal Pay Act 29 U.S.C.A. 206 (b)(1).

11. Defendant discriminated against Ms. Adcock based on her sex in violation of Title VII of the Civil Rights Act.

12. As a result of these violations, Ms. Adcock seeks recovery for back pay, front pay, unpaid accrued vacation pay, retention bonus, compensatory and punitive damages, attorney’s fees and court costs.

WHEREFORE, PREMISES CONSIDERED, Ms. Adcock prays the Court will enter a judgment against Defendant for the relief set forth herein including all compensatory damages available, equitable relief available, liquidated damages, punitive damages, attorney fees, interest, cost, and any further specific or general relief that the Plaintiff shows herself to be justly entitled.

RESPECTFULLY SUBMITTED this December 22, 2015.

s/ William A. Wooten
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Attorneys for Plaintiff

We acknowledge ourselves as sureties for the costs of this cause not to exceed One Thousand Dollars (\$1,000.00)

s/ William A. Wooten
WOOTEN LAW OFFICE